

BoxInterferences@uspto.gov  
Telephone: 571-272-4683

Paper 257  
Entered 24 March 2008

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

CHARLES **GUTHRIE**, EDMUND SANDBERG,  
DONALD WILSON, GREGORY PRIOR, and DAVID SMOLER  
Junior Party  
(Application 09/818,092),

v.

FREDERICK M. **ESPIAU**, CHANDRASHEKHAR J. JOSHI,  
and YIAN CHANG  
Senior Party  
(Patent 6,737,809).

---

Patent Interference No. 105,393 (SCM)  
(Technology Center 2800)

---

*Before LEE, MEDLEY, and MOORE, Administrative Patent Judges.*  
*MEDLEY, Administrative Patent Judge.*

**Judgment – Bd.R. 127**

1 Guthrie has failed to prove priority of invention (Paper 256).  
2 Accordingly, it is  
3 ORDERED that judgment be entered against Guthrie for count 1  
4 (Paper 1 at 3);  
5 FURTHER ORDERED that claims 109-131 of Guthrie's involved  
6 application be FINALLY REFUSED, 35 U.S.C. 135(a); and  
7 FURTHER ORDERED that a copy of this judgment be entered in the  
8 administrative records of the involved Guthrie application and Espiau patent.  
9

<u>/Jameson Lee/</u>	)	
JAMESON LEE	)	
Administrative Patent Judge	)	
	)	
	)	
<u>/Sally C. Medley /</u>	)	BOARD OF PATENT
SALLY C. MEDLEY	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
<u>/James T. Moore/</u>	)	
JAMES T. MOORE	)	
Administrative Patent Judge	)	

cc (via e-mail):

1 Counsel for Guthrie:  
2 Nicola A. Pisano, Esq.  
3 JONES DAY  
4 12265 El Camino Real, Suite 200  
5 San Diego, CA 92130  
6 Tel: 858-314-1129  
7 Fax: 858-314-1150  
8 Email: [napisano@jonesday.com](mailto:napisano@jonesday.com)  
9  
10 Counsel for Espiau:  
11 Richard Neifeld, Esq.  
12 Robert Morgan, Esq.  
13 NEIFELD IP LAW, PC  
14 4813-B Eisenhower Avenue  
15 Alexandria, VA 22304  
16 Tel : 703-415-0012  
17 Fax : 703-415-0013  
18 Email : [rneifeld@neifeld.com](mailto:rneifeld@neifeld.com)  
19 Email : [robert.morgan@ropesgray.com](mailto:robert.morgan@ropesgray.com)  
20